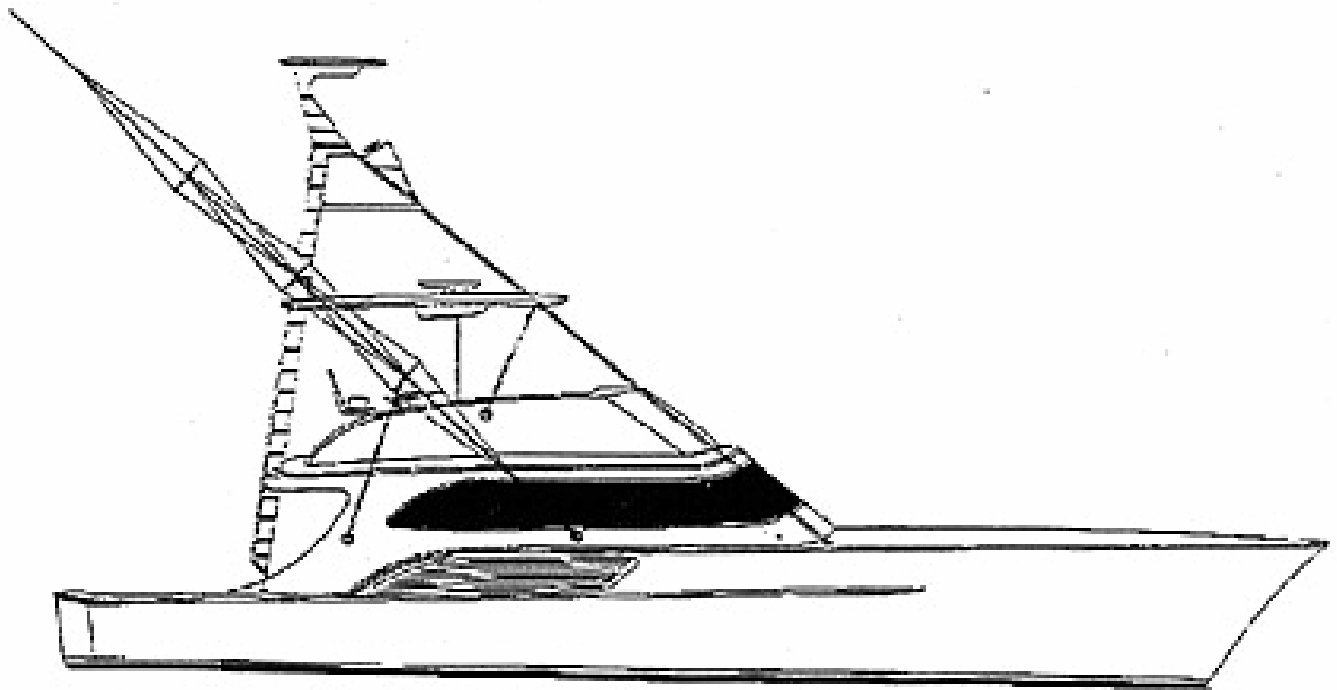


U. S. COAST GUARD REQUIREMENTS FOR UNINSPECTED PASSENGER VESSELS OF LESS THAN 100 G.T. AND CARRYING SIX OR LESS PASSENGERS

Charter Boat



Coast Guard Atlantic Area

31 October 2007

Revision V

GENERAL INFORMATION

This booklet is intended to summarize the regulations applying to most uninspected vessels that carry passengers for hire, commonly called charter boats or "six packs." It is not intended to be all-inclusive but was developed to assist the owners and operators and Coast Guard personnel during dockside or at-sea examinations. For precise language and exemptions to various regulations, consult Title 46, Code of Federal Regulations, Subchapter C. These regulations, listed in the booklet, can be purchased at government bookstores, ordered by telephone from (866) 512-1800 (toll free), ordered on-line at <http://bookstore.gpo.gov/> or ordered by mail at: Superintendents of Documents, Attn: new Orders P. O. Box 371954, Pittsburgh, PA 15250-7954. They are also available at your local library or on-line at

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

If you have questions or want advice on the requirements or a courtesy dockside examination of your vessel, please contact one of these marine safety professionals:

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Fifth Coast Guard District
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Portsmouth, VA 23704

Office: (757) 398-6558
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In MD, call: the Baltimore, MD Examiner: (410) 576-2634

In VA, call: the Norfolk, VA Examiner (757) 668-5528

In eastern PA, southern NJ and DE, call the Philadelphia, PA Examiner: (215) 271-4867

In NC, call: the Morehead City, NC Examiner: (252) 247-4562

Successful completion of a courtesy dockside examination results in the issuing of an Uninspected Passenger Vessel Safety Decal, valid for a period of two years, and demonstrates your commitment to safe operating practices.

In accordance with 46 U.S.C. 4106, if an uninspected passenger vessel is operated in violation of the applicable laws or regulations, the owner, charterer, managing operator, agent, master and individual in charge are each liable to the United States Government for civil penalties. The vessel is also subject to civil forfeiture.

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INTRODUCTION

Definitions

Passenger means an individual carried on the vessel except:

- a. The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;
- b. The master; or
- c. A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on-board services (46 U.S.C. 2101(21) (A)).

Passenger for hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person having an interest in the vessel (46 U.S.C. 2101(21a)).

Consideration means an economic benefit, inducement, right, or profit including monetary payment going to an individual, person, or entity. It does not include a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel food, beverage, or other supplies (46 U.S.C. 2101(5a)).

Uninspected Passenger Vessel means an uninspected vessel:

- a. Of less than 100 gross tons:
 - (1) Carrying not more than 6 passengers, including at least one passenger for hire; or
 - (2) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers (46 U.S.C. 2101(42) (B)).
 - b. Also falling under this definition are vessels of 100 gross tons and over that carry 12 or less passengers - these vessels are not discussed in this booklet.
-

INTRODUCTION (continued)

Abbreviations

The following abbreviations are found in this booklet:

U.S.C.	United States Code
CFR	Code of Federal Regulations
CG	U.S. Coast Guard
COTP	USCG, Captain of the Port
OCMI	USCG, Officer-in-Charge Marine Inspection
MSD	Marine Sanitation Device
MSU	Marine Safety UNIT
PFD	Personal Flotation Device
UPV	Uninspected Passenger Vessel
COD	Certificate of Documentation
IAW	In accordance with
NM	Nautical Mile
M	Meter
mm	Millimeter

Conversion Tables

Conversion of Metric to U.S. Customary/Imperial Units

Metric Measure	U.S. Measure	Metric Measure	U.S. Measure
200 mm	7.9 in	8.0 M	26.2 ft
300 mm	11.8 in	10 M	32.8 ft
0.6 M	23.6 in	12 M	39.4 ft
0.9 M	35.4 in	20 M	65.6 ft
1.0 M	3.3 ft	25 M	82.0 ft
1.5 M	4.9 ft	50 M	164 ft
2.0 M	6.5 ft	60 M	196.8 ft
2.5 M	8.2 ft	75 M	246.1 ft
3.5 M	11.5 ft	100 M	328.1 ft
4.0 M	13.1 ft	150 M	492.1 ft
4.5 M	14.8 ft	200 M	656.2 ft
5.0 M	16.4 ft	500 M	1640.4 ft
6.0 M	19.7 ft	1000 M	3280.8 ft
7.0 M	23.0 ft		

PERSONNEL LICENSING

Licensing (46 CFR 15.605, 46 CFR 26.20-1 and 46 CFR 15.401)

Each self-propelled, uninspected vessel carrying not more than six passengers as defined by 46 U.S.C. 2101(42) (B), must be under the direction and control of an individual licensed by the Coast Guard. The requirements to serve as an Operator of Uninspected Passenger Vessels (OUPV) are:

- a. An individual holding a license as master or pilot of Inspected, self-propelled vessels is authorized to serve as operator of UPV within any restrictions, other than gross tonnage limitations, on the individual's license.
- b. An individual holding a license as mate of inspected, self-propelled vessels, other than Great Lakes, inland, or river vessels of not more than 200 gross tons, is authorized to serve as operator of UPV within any restrictions, other than gross tonnage limitations, on the individual's license.
- c. Any person to whom a license as a motorboat operator has been issued shall have such license in his possession and available for immediate production to any Coast Guard boarding officer at all times during which any vessel which he is operating is carrying passengers for hire.
- d. The operator of a UPV must be operating within the limits of his/her license.

Personnel Watchstanding (46 U.S.C. 8104(b))

For an UPV operating on ocean and coastwise waters; a licensed individual may not be required to work more than 9 of 24 hours when in port, including the date of arrival, or more than 12 of 24 hours at sea, except in an emergency when life or property are endangered.

VESSEL DOCUMENTATION

Certificate of Documentation (46 CFR 67.7)

A UPV of at least five net tons that engages domestic or coastwise trade must have a Certificate of Documentation (COD) on board bearing a valid endorsement for the activity in which it is engaged.

Certificate of Documentation Endorsements (46 CFR 67.163)

Endorsements for CODs are valid for 1 year. Prior to expiration, the owner must renew by executing an original Notice of Expiration (CG-1280) or Final Notice after Expiration (CG-1280-B) certifying that information contained in the COD and endorsements remains accurate and that the COD has not been wrongfully withheld, lost, or mutilated. The forms and information for renewal can be obtained through the Coast Guard's National Vessel Documentation Center at 1-800-799-8362. The owner will receive a renewal decal, which must be affixed to the COD to prove that the COD has been renewed.

Official Number (46 CFR 67.121)

The official number of the UPV, preceded by the abbreviation "**NO.**" must be marked block-type Arabic numerals not less than three inches in height on some clearly visible interior structural part of the hull. The number must be permanently affixed so that alteration, removal, or replacement would be obvious.

Markings (46 CFR 67.123)

The name of the UPV must be marked on some CLEARLY visible exterior part of the port and starboard bow and the stern. The hailing port must be marked on some clearly visible exterior part of the stern.

For an UPV with a square bow, the name must be marked on some clearly visible exterior part of the bow in a manner to avoid obliterating. The name and hailing port must be marked on some clearly visible exterior part of the stern.

These markings may be made by the use of any means and material that results in durable markings. Markings must be made in clearly legible letters of the Latin alphabet or Arabic or Roman numerals, not less than four inches high.

VESSEL REGISTRATION

Certificate of Number (33 CFR 173.21)

An UPV of less than five net tons shall be documented, as described on the previous page, or registered with a State, as evidenced by a State issued Certificate of Number. No person may use a vessel unless it has on board a valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used.

Markings (33 CFR 173.27)

Each number must:

- a. Be painted on or permanently attached to each side of the forward half of the vessel;
- b. Be in plain vertical block characters of not less than three inches (3") in height;
- c. Contrast with the color of the background and be distinctly visible and legible;
- d. Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings

Examples: **DC 5678 EF** or **DC-5678-EF**

- e. Read from left to right.
 - f. On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.
-

GENERAL SAFETY

Safety Orientation (46 CFR 26.03-1)

Before getting underway in any vessel carrying six or fewer passengers for hire, the operator or master must ensure that suitable public announcements, instructive placards, or both are provided in a manner that affords all passengers the opportunity to become acquainted with:

- a. Stowage locations of all life preservers;
 - b. Proper method of donning and adjusting life preservers of the type(s) carried on the vessel;
 - c. The type and location of all lifesaving devices carried on the vessel; and
 - d. The location and contents of the Emergency Check-off List.
-

Emergency Instructions (46 CFR 26.03-2)

The operator or master of each vessel carrying six or fewer passengers for hire must ensure that an emergency check-off list is posted in a prominent and accessible place to notify the passengers, and remind the crew, of precautionary measures that may be necessary if an emergency situation occurs. Except where any part of the emergency instructions are deemed unnecessary by the OCMI, the emergency check-off list must contain not less than the applicable portions of the three emergency check-off lists in Appendix 1.

Passenger Counts (46 U.S.C. 3502)

The master or operator of a vessel carrying passengers shall keep a correct count of all passengers received and delivered. The total number of passengers shall be provided to the Coast Guard upon request.

Report of Sexual Offense (46 U.S.C. 10104)

The master or individual in charge shall report to the Coast Guard a complaint of any sexual offense prohibited under 109A of title 18 U.S.C. A master or individual in charge who knowingly fails to report in compliance with this section could face a civil penalty of not more than \$5,000. Immediately report any sexual offenses made to a Boarding Officer the cognizant Marine Safety Office.

COMMUNICATIONS

Radiotelephone (33 CFR 26.03(a) (1))

A radiotelephone is required on every power driven vessel of 20 meters (65.6 ft) or over in length while navigating on waters subject to the Inland Rules.

Radio Station License (47 CFR 80.403/405)

Vessels that have or are required to have a radiotelephone on board must have a valid Radio Station License issued by the Federal Communications Commission (FCC) posted in the navigation area or on the bridge of the vessel.

Temporary Licenses (47 CFR 80.403/405)

If a Radio Station License has just recently been applied for, a copy of the application (FCC Form 506-A) may serve as a temporary permit.

Radio Operators (47 CFR 80.163 & 33 CFR 26.03)

A radio operator who holds a restricted radiotelephone operators permit or higher class license is required on every power driven vessel of 20 meters (65.6 ft) or over in length while navigating on waters subject to the Inland Rules.

NAVIGATION LIGHTS/SOUND SIGNALS

Inland Navigation Rules (33 CFR 88.05)

The operator of each self-propelled vessel 12 meters (39.4 ft) or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

Navigation Lights Exhibited (Navigation Rules, Rule 21 & 23)

A power driven vessel while underway shall display:

- a. A white masthead light placed over the fore and aft centerline of the vessel and facing forward with an arc of visibility of 225 degrees;
- b. Red and green sidelights (red to port/green to starboard), with an arc of visibility of 112.5 degrees from dead ahead to the stern; and
- c. A white stern light facing aft with an arc of visibility of 135 degrees.

On a power-driven vessel of less than 12 meters (39.4 feet) in length, one all around (360 degrees) white light may be substituted for both the masthead and stern light.

On a vessel of less than 20 meters (65.6 feet) in length, sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel. On vessels of less than 12 meters (39.4 feet), sidelights combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

Screens (33 CFR 84.09 and Navigation Rules, Annex 1)

Sidelights of vessels 20 meters (65.6ft) or more in length shall be fitted with mat black inboard screens. On vessels less than 20 meters, the sidelights, if necessary to meet the arc required of the light, shall be fitted with black mat inboard screens. On vessels less than 20 meters using a combined lantern with a single vertical filament and a narrow division between red and green sectors, external screens need not be fitted.

On power-driven vessels less than 12 meters (39.4ft) in length constructed after July 31, 1983, the masthead light or the all-round light shall be screened to prevent direct illumination of the vessel forward of the operator's position.

NAVIGATION LIGHTS/SOUND SIGNALS (continued)

Position (Navigation Rules, Annex 1)

The masthead light or the all-round light of a power-driven vessel of less than 12 meters (39.4ft) in length shall be carried at least one meter (3.3ft) higher than the sidelights.

Sound Signals Required (Navigation Rules, Rule 33 Annex III and 33 CFR 86.23)

Every vessel, while underway, shall have sound signaling appliances on board that meet the specifications in the Navigation Rules:

- a. A vessel of less than 12 meters (39.4ft) in length must have a means of making an efficient sound signal.
 - b. A vessel of 12 meters (39.4ft) or more in length must have a whistle and a bell.
 - c. A vessel of 12 to 20 meters in length must have a bell of at least 200 mm (7.9 inches) in diameter.
 - d. A vessel of over 20 meters (65.6ft) in length must have a bell of at least 300 mm (11.8 inches) in diameter.
 - e. The bell does not have to be mounted but it must be on board the vessel and accessible.
-

Whistle Audibility

The audibility of a whistle must meet the following Table distances:

Vessel Length	Audibility Range
12 Meters to less than 20 Meters	Less than 0.5 Nautical mile
20 Meters - 75 Meters	1.0 Nautical mile
75 Meters - 200 Meters	1.5 Nautical mile

CHEMICAL TESTING REQUIREMENTS

Pre-Employment Testing (46 CFR 16.210 and 49 CFR 40.25)

No marine employer shall engage or employ any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer. An employer may waive a pre-employment test required for a job applicant if the individual provides satisfactory evidence that he or she has:

- a. Passed a chemical test for dangerous drugs, within the previous six months with no subsequent positive tests during the remainder of the six month period, or;
 - b. During the previous 185 days been subject to a random testing program for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.
-

Periodic Testing (46 CFR 16.220)

An applicant for an original license shall be required to pass a chemical test for dangerous drugs and shall provide the results of the test to the Coast Guard Regional Examination center (REC) at the time of submitting an application. An applicant need not submit evidence of passing a chemical test for dangerous drugs required by this section if he or she provides satisfactory evidence that he or she has:

- a. Passed a chemical test for dangerous drugs, within the previous six months with no subsequent positive tests during the remainder of the six month period; or
 - b. During the previous 185 days been subject to a random testing program for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs.
-

Random Testing (46 CFR 16.230)

Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on uninspected vessels who:

- a. Are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel;
 - b. Perform duties and functions directly related to the safe operation of the vessel;
 - c. Perform the duties and functions of patrolmen or watchmen; or
 - d. Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.
-

CHEMICAL TESTING REQUIREMENTS (continued)

Random Testing (continued)

- e. Marine employers may form or otherwise use sponsoring organizations, or may use contractors, to conduct the random chemical testing programs required by this part.
 - f. The minimum annual percentage rate for random drug testing shall be 50 percent of covered crewmembers.
-

Random Testing Selection (46 CFR 16.230(c))

The selection of crewmembers for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with crewmembers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the testing frequency and selection process used, each covered crewmember shall have an equal chance of being tested each time selections are made and an employee's chance of selection shall continue to exist throughout his or her employment. As an alternative, random selection may be accomplished by periodically selecting one or more vessels and testing all crewmembers covered by this section, provided that each vessel subject to the marine employer's test program remains equally subject to selection.

Reasonable Cause Testing (46 CFR 16.250 and 33CFR 95)

Employers shall require any crewmember engaged or employed on a vessel, who is reasonably suspected of using a dangerous drug, to be chemically tested for dangerous drugs. The employer's decision to test must be based on a reasonable and articulate belief that the individual has used a dangerous drug based on direct observation of specific physical, behavioral, or performance indicators of probable use. Where practicable, this belief should be based on observations by two persons in supervisory positions.

Serious Marine Incident Testing (46 CFR 16.240)

The marine employer shall ensure that all persons directly involved in a serious marine incident are chemically tested for evidence of dangerous drugs and alcohol as required by 46 CFR 4.06-1(b) and 46 CFR 46.06-3. Note 2 hours alcohol testing and 32 hours drug testing time required after a serious marine incident.

CHEMICAL TESTING REQUIREMENTS (continued)

Failure of a Drug Test (46 CFR 16.201 (b), (c) and (d))

- b. If an individual fails a chemical test for dangerous drugs under this part, the individual will be presumed to be a user of dangerous drugs.
 - c. If an individual holding a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual's employer or prospective employer shall report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as practicable and shall be subject to suspension and revocation proceedings against his or her license, certificate of registry, or merchant mariner's document.
 - d. If an individual who does not hold a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as possible.
-

Drug Testing Records (46 CFR 16.260)

Employers shall maintain records of positive chemical tests for a period of five years and shall make these records available to the Coast Guard officials upon request. Records of tests reported as negative shall be retained for one year. The records shall be sufficient to identify the:

- a. Total number of individuals tested annually for dangerous drugs in each of the categories of testing required;
 - b. Annual number of individuals failing chemical tests; and
 - c. Number and types of drugs for which individuals tested positive.
-

OPERATING A VESSEL WHILE INTOXICATED

Discussion

While on board an UPV, a crewmember (including a licensed individual), pilot or a watchstander who is not a regular member of the crew:

- a. Shall not perform or attempt to perform any scheduled duties within four hours of consuming any alcohol;
 - b. Shall not be intoxicated at any time;
 - c. Shall not consume any intoxicant while on watch or on duty; and
 - d. May consume a legal non-prescription or prescription drug provided the drug does not cause the individual to be intoxicated.
-

Employer Responsibility for Compliance (33 CFR 95.050 (b))

If the marine employer has reason to believe that an individual is intoxicated, the marine employer shall not allow that individual to stand watch or perform other duties.

Reasonable Cause (33 CFR 95.035 (a), (1), (2))

Only a law enforcement officer or a marine employer may direct an individual operating a vessel to undergo a chemical test when reasonable cause exists. Reasonable cause exists when the individual:

1. Was directly involved in the occurrence of a marine casualty as defined in Chapter 61 of Title 46, United States Code; or
 2. Is suspected of being intoxicated or is suspected of having an alcohol concentration of .04 percent or more.
-

MARINE CASUALTY REPORTING

Verbal Notice of Marine Casualty (46 CFR 4.05-1)

Immediately after addressing safety concerns, the owner, master, operator, or person in charge shall notify the nearest Marine Safety Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting of:

- a. An unintended grounding, or an unintended strike of a bridge;
- b. An intended grounding or an intended strike of a bridge, that creates a hazard to navigation, the environment, or safety of a vessel;
- c. A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;
- d. An occurrence adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge-pumping systems;
- e. A loss of life;
- f. An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or
- g. An occurrence causing property damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.

Substance of Marine Casualty Notice (46 CFR 4.05-5)

The notice must include the following information:

- a. Name and official number of the vessel involved;
 - b. Name of the vessel's owner or agent;
 - c. Nature and circumstances of the casualty;
 - d. Locality in which it occurred;
 - e. Nature and extent of injury to persons; and
 - f. Damage to property.
-

MARINE CASUALTY REPORTING (continued)

Written Report of Marine Casualty (46 CFR 4.05-10)

The owner, agent, master, operator, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by 46 CFR 4.05-1 and must:

- a. Be delivered to a Coast Guard Marine Safety Office, or Marine Inspection
- b. Be provided on Form CG-2692 (Report of Marine Accident, Injury or Death); and
- c. Be supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug & Alcohol Testing following a Serious Marine Incident).

These forms may be obtained from any Coast Guard Marine Safety Office, Marine Inspection or Activities Office or downloaded from the Internet at <http://www.uscg.mil/hq/g-m/nmc/genpub.htm>

Alcohol or Drug use in Casualties (46 CFR 4.05-12)

For each marine casualty required to be reported by 46 CFR 4.05-10, the marine employer shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty and include in the written report, Form CG-2692, information which:

- a. Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and
 - b. Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.
-

MARINE CASUALTY REPORTING (continued)

Serious Marine Incident (46 CFR 4.03-2)

A serious marine incident involving a vessel in commercial service includes any marine casualty or accident that results in any of the following:

- a. One or more deaths;
- b. An injury to a crewmember, passenger, or other person which requires professional medical treatment (treatment beyond first aid) and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties;
- c. An occurrence causing property damage in excess of \$100,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage;
- d. Actual or constructive total loss of any self-propelled vessel of 100 gross tons or more;
- e. A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty; or
- f. A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

A serious marine incident requires action by the marine employer to conduct the chemical testing required by 46 CFR 16.240.

LIFESAVING EQUIPMENT

Personal Flotation Device (46 CFR 25.25-5(c))

No person may operate a UPV unless it has on board at least one Coast Guard-approved Type 1 Personal Flotation Device (PFD) of a suitable size for each person on board. Kapok and fibrous glass life preservers that do not have plastic covered pad inserts are not acceptable.

LIFESAVING EQUIPMENT (continued)

Reflective Tape (46 CFR 25.25-15)

Each life preserver, each marine buoyant device intended to be worn, and each buoyant vest carried on a vessel must have Type I retroreflective material as follows:

- a. At least 200 sq. cm. (31 sq. in.) of material on the front;
 - b. At least 200 sq. cm. on the back;
 - c. If reversible, at least 200 sq. cm. on each reversible side; and
 - d. The material attached on each side must be divided equally between the upper quadrants of the side and as close as possible to the shoulder area.
-

PFD Lights (46 CFR 25.25-13)

On Ocean, Coastwise, or Great Lakes voyages, each exposure suit, life preserver, marine buoyant device intended to be worn, and each buoyant vest must have a Coast Guard-approved PFD light which must be securely attached to the front shoulder area. A PFD light with a non-replaceable power source must be replaced on or before expiration date of the power source. A PFD light with a replaceable power source must have the power source replaced on or before its expiration date and the light must be replaced when it is no longer serviceable.

Miscellaneous Regulations (46 CFR 25.25-9 and 46 CFR 26.30-10)

- a. Lifesaving equipment required to be worn must be readily accessible and equipment designed to be thrown must be immediately available.
 - b. When carried on an UPV, approved buoyant work vests shall be stowed separately from the regular stowage of required lifesaving equipment.
 - c. The lifesaving equipment must be CG approved and in serviceable condition.
-

Ring Life Buoy (46 CFR 25.25-5(d))

Each UPV 26 feet or longer in length must have at least one CG approved throwable ring life buoy with a minimum outside diameter of 20 inches.

DISTRESS SIGNALS

Distress Signals Required (33 CFR 175.110, 175.130 and 175.135)

No person may use a boat 16 feet or more in length or any boat operating as an uninspected passenger vessel unless visual distress signals are carried and are readily accessible. Any of the following distress signals can be used to meet the distress signal requirements:

- a. An electric distress signal light which is Coast Guard-approved and marked to meet the requirement of 46 CFR 161.013 as a visual night distress signal.
- b. An orange flag which has been certified as Coast Guard-approved and marked to meet the requirements of 46 CFR 160.072 as a visual day distress signal.
- c. Pyrotechnics listed in 33 CFR Table 175.130 below. Any combination of the signal devices selected from subparagraphs a. and b. above and the table, carried in the number required, meets the requirement. Examples: The combination of two hand-held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand orange smoke (160.037) with one electric distress light (160.013) meets both day and night requirements.

Approval # Under 46 CFR	Device Description	Meets Requirements for	Number Required
160.021	Hand-Held Red Flare Distress Signals***	Day and Night	3
160.022	Floating Orange Smoke Distress Signals	Day only	3
160.024	Parachute Red Flare Distress Signals	Day and Night*	3
160.036	Hand-Held Rocket Propelled Parachute Red Flare Distress Signals	Day and Night	3
160.037	Hand-Held Orange Smoke Distress Signals	Day only	3
160.057	Floating Orange Smoke Distress Signals	Day only	3
160.066	Distress Signals for Boats, Red Aerial Pyrotechnic Flares	Day and Night**	3

* These signals require use in combination with a suitable launching device approved and marked under 46 CFR 160.28.

** These devices may be either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved and marked under 46 CFR 160.028.

*** Must have manufacture date of 1 October 1980 or later.

FIRE FIGHTING EQUIPMENT

Fire Extinguishers (46 CFR 25.30)

All fire extinguishers and fixed fire extinguishing systems shall:

- a. Be Coast Guard-approved or UL listed for marine use and marked as such.
- b. Hand portable extinguishers and semi-portable extinguishers must:
 - (1) Be type "B"; i.e. suitable for extinguishing fires involving flammable liquids, grease, etc.
 - (2) Have a permanently attached metallic nameplate giving the name of the item, rated capacity, the name and address of person or firm for whom approved, and the identifying mark of the manufacturer.
- c. Fixed fire extinguishing systems must be a Coast Guard-approved carbon dioxide type, designed and installed in compliance with the requirements of 46 CFR 25.30-15.
- d. All motorboats (65 ft in length and smaller) shall carry at least the minimum fire extinguishers as required in 46 CFR Table 25.30-20(a) (1) below:

Vessel Length		Minimum Number of B-I Hand Portable Fire Extinguishers	
Equal or Over	Under	No Fixed FE in Machinery Space	Fixed FE in Machinery Space
	16 ft	1	0
16 ft	26 ft	1	0
26 ft	40 ft	2	1
40 ft	65 ft*	3	2

*This means 65' and under.

- e. All motor vessels (vessels over 65' in length) shall carry at least the minimum fire extinguishers set forth in 46 CFR Table 25.30-20(b) (1) below. In addition to the hand portable fire extinguishers required by Table 25.30-20(b)(1), the following fire extinguishing equipment shall be fitted in the engine space: One B-II portable fire extinguisher is required for each 1000 B.H.P. of the main engines or any fraction thereof, however, not more than six such extinguishers need be carried.

Gross Tonnage		Minimum Number of B-II Hand Portable Fire Extinguishers
Over	Not Over	
	50 GT	1
50 GT	100 GT	2
100 GT	500 GT	3

ENGINEERING SAFETY EQUIPMENT

Ventilation (46 CFR 25.40-1)

An UPV using fuel having a flash point of 110 degrees F or less (gasoline) shall have:

- a. At least two ventilation ducts, fitted with cowls or their equivalent, for the removal of explosive or flammable gases from the bilges of all engine and fuel tank compartments.
 - b. At least one exhaust duct that extend from the open atmosphere to the lower portion of the bilge.
 - c. At least one intake duct that extend to a point at least midway to the bilge or at least below the level of the carburetor air intake.
-

Flame Arrester (46 CFR 25.35-1)

Every installed gasoline engine (except outboard engines) shall be equipped with an acceptable means of backfire flame control that must be:

- a. Acceptable, serviceable and securely mounted; and
 - b. Coast Guard, SAE J-1928 Marine and UL 1111 Marine approved and marked accordingly.
-

Cooking, Heating and Lighting (46 CFR 25.45)

These systems are type specific. Contact the cognizant Coast Guard Marine Safety Office/Inspection Office/Activities concerning acceptability.

ENVIRONMENTAL REGULATIONS

General Requirements (33 CFR 155.770, 155.330 and 155.350)

No person may intentionally drain oil or hazardous materials from any source into the bilge.

No person may operate a U.S. non-oceangoing UPV in U.S. navigable waters unless it has the capacity to retain on board all oily mixtures and is equipped to discharge the oily mixtures to a reception facility.

An oceangoing UPV shall have the capacity to retain all oily mixtures on board and be equipped to discharge these to a reception facility or be equipped with a CG approved oily-water separator. Each UPV may retain all oily mixtures in bilges; an oily residue tank is not required.

Placard Requirements (33 CFR 155.450)

Each UPV 26 feet or more in length must have a placard posted in a machinery space or a bilge control station. The placard must be at least 5 by 8 inches, made of durable material, and shall state:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States if such discharge causes a film or sheen upon or a discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a substantial civil penalties and/or criminal sanctions including fines and imprisonment.

ENVIRONMENTAL REGULATIONS (continued)

Marine Sanitation Device (33 CFR 159.53(c), 159.55, 159.59, and 159.7(b))

No UPV with an installed toilet may operate in U.S. navigable waters without an approved and operable Type I, II or III Marine Sanitation Device (MSD):

- a. Type I means a device that, under the test conditions described in 33 CFR 159.123 and 159.125, produces an effluent (discharge) having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible solids.
 - b. Type II means a device that, under the test conditions described in 33 CFR 159.126 and 159.126a, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.
 - c. Type III means a device that is designed to prevent the overboard discharge of treated or untreated sewage or waste derived from sewage. Holding tanks can be discharged over the side no closer than three nautical miles from land.
 - d. If a Type III MSD has a "Y" valve that allows discharge over the deck to a facility or through the hull over the side, the valve must be secured in U.S. navigable waters to prevent accidental discharges overboard.
 - e. All MSDs must have an identification placard attached.
 - f. All MSDs must have placards that provide operating instructions, safety precautions, and warnings pertinent to the MSD. The letters on the placard must be at least one eighth of an inch.
 - g. After January 30, 1980, a new UPV with installed toilet facilities must be equipped with a Type II or III MSD. A new UPV includes any UPV, the construction of which is initiated on or after January 30, 1975. Exception: an operable Type I MSD installed before January 31, 1980 that is properly labeled.
 - h. After January 30, 1980, an existing UPV (not a new UPV) with installed toilet facilities must be equipped with a Type II or III MSD. Exception: an operable Type I MSD installed before January 31, 1978 that is properly labeled.
 - i. Any UPV 65' or under in length may utilize a properly labeled and functioning Type I MSD.
 - j. Portable toilets or "porta-potties" are not considered installed toilets and are not subject to MSD regulations.
-

ENVIRONMENTAL REGULATIONS (continued)

Garbage Dumping Requirements (33 CFR 151.66)

No person may discharge garbage into U.S. navigable waters.

Garbage Placards (33 CFR 151.59 and 151.59 (d))

Each UPV 26 feet or more in length must display garbage placards that are:

- a. Made of durable material and nine inches wide by four inches high with letters at least 1/8" high;
 - b. Displayed in prominent locations and in sufficient numbers to be read by the crew and passengers.
 - c. The placard must notify the reader of the following:
 - (1) That discharge of plastic or garbage mixed with plastic into any waters is prohibited,
 - (2) That discharge of garbage is prohibited in U.S. navigable waters and in all other waters within three nautical miles of the nearest land,
 - (3) That discharge of dunnage, lining, and packing materials that float is prohibited within 25 nautical miles of the nearest land,
 - (4) That other unground garbage may be discharged beyond 12 nautical miles from the nearest land,
 - (5) That other garbage ground to less than one inch may be discharged beyond three nautical miles of the nearest land, and,
 - (6) That violators are liable for civil penalties up to \$25,000, fines up to \$50,000, and imprisonment for up to five years per violation.
-

Waste Management Plan (33 CFR 151.57)

An ocean going UPV of 40 feet or more in length must have a written waste management plan detailing:

- a. Who is responsible for the garbage?
- b. How it shall be collected,
- c. How it is to be stowed, and
- d. How it is to be disposed of.

A sample waste management plan is located in Appendix 2 of this booklet.

UNSAFE CONDITIONS

Discussion (46 USC 4308, 33 CFR 177.05, and 33 CFR 177.07)

A USCG Boarding Officer, observing certain unsafe or especially hazardous conditions on board an UPV while underway, is authorized to direct the vessel's operator to take immediate and reasonable steps to correct the conditions, including a direction to proceed to a mooring and remain until the hazard is corrected or has ended.

Especially Hazardous Conditions

The especially hazardous conditions include:

- a. Operation without sufficient lifesaving equipment on board. This may include:
 - (1) No personal flotation devices (PFDs);
 - (2) Insufficient quantity of PFDs; or
 - (3) PFDs which are unserviceable.
 - b. Operation without adequate fire fighting equipment on board.
 - c. Operating in an overloaded or other unsafe condition, including:
 - (1) Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
 - (2) Intoxication of the operator.
 - (3) Lack of any operable navigation lights (when applicable).
 - (4) Inadequate ventilation of tanks and engine spaces.
 - (5) Inadequate backfire flame control (if required).
-

APPENDIX 1: EMERGENCY CHECKOFF LIST

ROUGH WEATHER AT SEA OR CROSSING HAZARDOUS BARS

- a. Keep all weathertight and watertight doors, hatches and airports closed to prevent taking water aboard.
 - b. Keep bilges dry to prevent loss of stability.
 - c. Keep passengers seated and evenly distributed.
 - d. Ensure all passengers are wearing life preservers in conditions of very rough seas or if about to cross a bar under hazardous conditions.
 - e. Initiate an International Distress call and a call to the Coast Guard if assistance is needed (if radiotelephone equipped).
-

PERSON OVERBOARD

- a. Throw ring buoy overboard, as close to the victim as possible.
 - b. Post lookout to keep the victim in sight.
 - c. Have a crewmember, wearing a life preserver and lifeline, standing by ready to jump into the water to assist the victim back aboard.
 - d. Initiate an International Distress call and a call to the Coast Guard if assistance is needed (if radiotelephone equipped).
 - e. Continue the search until after radiotelephone consultation with the Coast Guard, if at all possible.
-

FIRE AT SEA

- a. Cutoff air supply to the fire by closing hatches, ports, doors and ventilators, etc.
 - b. Discharge portable extinguishers at the base of the flames or flammable liquid or grease fires or apply water to fires in combustible solids.
 - c. If the fire is in machinery spaces, shut off the fuel supply and ventilation and discharge any installed fixed fire fighting systems.
 - d. Maneuver the vessel to minimize the effect of wind on the fire.
 - e. Initiate an International Distress call and a call to the Coast Guard if assistance is needed (if radiotelephone equipped).
 - f. Move passengers away from the fire and have them don life preservers.
-

APPENDIX 2: WASTE MANAGEMENT PLAN

Waste Management Plan for (Vessel Name): _____
Person in Charge: _____

Solid Waste Management Procedures:

- a. All vessel refuse is to be put in garbage bags and stored on board until it can be disposed of in dumpsters on shore. This policy is to be reviewed with all crewmembers.

- b. If the vessel is outside of 12 miles from shore:

All the garbage with the exception of food materials and paper is put in a garbage bag to be hauled to the dockside trash receptacle at trip's end. Food materials and paper generated in the galley are collected in a bucket (or in a paper bag or cardboard box) and the bucket emptied over the side (or the food filled bag or box is thrown overboard) by a crewmember.

- c. If the vessel is within 12 miles of shore or returning to shore:

All refuse materials are put in garbage bags and stored on board until the end of the trip when the deckhand disposes of the bags in the dockside trash receptacles.

Crew Education:

At the beginning of each season, all crewmembers shall be reminded of the refuse discharge laws and shown the MARPOL V placard posted in the galley. Crewmembers shall be told that it is vessel policy to stow all garbage materials on board except for food and paper when the vessel is outside of 12 miles. The captain shall orient all new crewmembers and passengers to the rules governing the vessel, including refuse laws and refuse handling.

APPENDIX 3: VOLUNTARY DOCKSIDE EXAM GUIDELINES

Scheduling an Exam

- a. Schedule an appointment with the UPV owner or operator by setting a time, date and location convenient for the vessel operator. Record the owner or operator's name and telephone number in case the exam must be rescheduled.
 - b. Note the vessel's name, documented length, official number and area of operation.
 - c. Send the owner/operator a copy of the UPV booklet to assist them in preparing for the exam.
 - d. Explain the program to the owner/operator, emphasizing the following points:
 - (1) There is no civil penalty action taken on deficiencies noted during the dockside exam; however, any deficiencies that create an "extremely hazardous condition" must be corrected prior to sailing. Note: When an extremely hazardous condition is discovered that cannot be corrected during the course of an exam, the examiner shall contact the cognizant Captain of the Port (COTP), who has the authority to direct the movement of vessels within the COTP zone. Examiners shall use the guidelines provided in Appendix 4 to evaluate whether notification of the COTP is required.
 - (2) There is no cost for the dockside exam.
 - (3) A safety decal will be issued if the vessel meets all applicable requirements in Titles 33, 46, and 47 Code of Federal Regulations (CFR).
 - (4) A safety decal will not be issued if the vessel does not meet all applicable requirements; however, the UPV owner or operator may correct the deficiencies and request a re-exam where the safety decal may be issued.
-

Conducting the Examination

- a. While approaching the vessel, observe the following items:
 - (1) General condition of the vessel.
 - (2) Vessel numbering/identification.
 - (3) Navigation lights.
 - b. Introduce yourself and begin the exam. Be friendly, non-adversarial and professional. Emphasize the positive safety aspects of compliance.
 - d. Review the Certificate of Documentation or State Certificate of Numbers.
 - e. Use the UPV checklist to complete the exam. List all observed deficiencies on the exam report form.
 - c. As a courtesy, the dockside examiner may point out safety problems not addressed in the regulations or listed on the checklist. These items will not, however, be a reason for denying a decal.
-

VOLUNTARY DOCKSIDE EXAM GUIDELINES (continued)

Issuing the Decal

If the vessel complies with all requirements, congratulate the owner or operator and award the safety decal:

- a. Assist in correctly placing the decal on the starboard forward pilothouse window.
 - b. Advise the owner/operator that the decal will be valid for two years. Remind them of their responsibility to continuously maintain the vessel and equipment as safely as possible.
 - c. Ask for assistance in publicizing the value of the dockside examination program to other UPV owners.
 - d. Thank the owner/operator for participating in the dockside examination program.
 - e. If the vessel does not comply with all requirements, discuss the list of deficiencies with the owner/operator and advise them of the procedure for scheduling a follow-up examination.
 - f. If possible, arrange an appointment for the follow-up examination before departing. If not, provide your name and telephone number.
-

Follow-up Examinations

- a. Call the owner/operator after a reasonable length of time, (usually within 20 days), to schedule a follow-up visit. Stress the importance of safety. If progress has not been made toward correcting the deficiencies, encourage them to do so. If the deficiencies have been corrected, schedule a follow-up examination to verify the corrective action.
 - b. If the follow-up visit takes place within 30 days, the examiner may limit the follow-up to clearing the deficiencies. If more than 30 days has elapsed, conduct a full dockside examination.
 - c. If the deficiencies have been corrected, award the safety decal as previously described.
-

Record Keeping

- a. Maintain a log showing the serial number of the decal issued, name of vessel, location of exam and date the decal was issued.
 - b. Distribute completed copies of the UPV checklist as follows:
 - (1) Original to the owner/operator, and
 - (2) One copy to the UPV program manager at the nearest Marine Safety Office.
-

APPENDIX 4: CRITERIA FOR RECOMMENDING THE COTP DIRECT THE MOVEMENT OF AN UNSAFE VESSEL

Extremely Hazardous Conditions

“Extremely hazardous conditions” are those that, taken alone or in combination with other deficiencies or factors, threaten life, property or the environment if left uncorrected. Boarding officers and dockside examiners may use this job aid to identify deficiencies that might be considered extremely hazardous conditions. When the boarding officer or examiner concludes that an extremely hazardous condition exists, they should contact the cognizant Captain of the Port (COTP), via the chain of command, as soon as possible.

Lifesaving Equipment

Operating the vessel without sufficient lifesaving equipment. There must be at least one serviceable PFD or immersion suit for each person on board.

Inadequate Communications

You must not operate a vessel without the required communications equipment. One or more methods of communication may be required by the regulations. If more than one is required, then at least one must be operable. Types of acceptable or required equipment include:

- a. Emergency Position Indicating Radio Beacon (EPIRB)
 - b. VHF-FM Radio
 - c. Single Side Band (SSB) Radio
 - d. Satellite communications system
 - e. Cellular phone
-

Inadequate Fire fighting equipment

The adequacy of fire-fighting equipment is a judgment call. Due consideration should be given for any fixed system (CO₂ or Halon) or the presence of a washdown or portable pump that could be used to fight a fire. The overall condition of the vessel and its construction (steel vs. wood, etc.) should also be considered.

CRITERIA FOR RECOMMENDING THE COTP DIRECT THE MOVEMENT OF AN UNSAFE VESSEL (continued)

Fuel in the Bilges

Excessive fuel in the bilges is particularly important on vessels propelled by gasoline engines. Vessels are permitted to retain oily slops in the bilge for later disposal ashore; oily slops do not normally pose a volatile vapors threat. Vessels are not, however, permitted to intentionally drain oil into the bilge from any source.

Stability

Overloading or improper loading the vessel can result in lack of stability. Assessment of vessel stability is an area requiring judgment and experience. If a vessel appears "tender" from overloading or any other cause, the boarding team should take immediate steps to ensure the safety of persons on board. In cases where a vessel casualty has caused the lack of stability, boarding teams should exercise extreme caution before entering any confined space.

Note: The limits specified on the capacity labels affixed to a small boat by the manufacturer are not enforceable; they are required by regulation as guidance to the vessel's owner/operator.

Operating While Intoxicated

Intoxication of the Master, is defined in 33 CFR 95.020 (b). Individuals operating vessels other than recreational vessels are considered to be intoxicated when they have a blood alcohol concentration of 0.04%, or when the affect of the intoxicant(s) consumed by the individual is apparent by observation. Intoxication of the Master, or any other crewmember with safety related duties, may be reason to direct the movement of the vessel. Due consideration should be given to the presence of other properly licensed personnel who may be able to assume control of the vessel.

Navigation Lights

A total lack of operable navigation lights during periods of darkness or reduced visibility. Control should only be considered when all navigation lights are inoperable.

CRITERIA FOR RECOMMENDING THE COTP DIRECT THE MOVEMENT OF AN UNSAFE VESSEL (continued)

Watertight Closures

Required watertight closures are missing or inoperable. Boarding officers should pay particular attention to watertight or weathertight closures for openings that give access to the hull (i.e. if the opening cannot be closed, the potential for downflooding exists). Due consideration should be given to the existing weather and sea conditions.

Flooding or uncontrolled leakage

Immediate action should be taken in cases of uncontrolled flooding or excessive leakage. "Excessive" in this case means the vessel's installed dewatering system(s) are incapable of keeping up with the flooding.

Licenses

A hazardous condition can be Operating without a license, operating beyond the scope of the license, or operating with insufficient crew for the intended voyage. Boarding officers shall review the licenses of all licensed personnel required. A licensed operator may not turn the watch over to an unlicensed person while sleeping or resting off the bridge. The practice of permitting passengers on uninspected passenger vessels to "take the helm" should be discouraged, however, it is not prohibited by regulation. The licensed operator is responsible for the safe navigation/operation of the vessel at all times.
